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UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

MONROE DIVISION

CASSANDRA P. NEWTON

CIVIL ACTION NO. 09-0193

VERSUS

JUDGE ROBERT G. JAMES

AVOYELLES WOMEN'S  
CORRECTIONAL CENTER

MAG. JUDGE KAREN L. HAYES

**ORDER**

On June 2, 2011, in conformity with the Opinion [Doc. No. 20] of the United States Court of Appeals for the Fifth Circuit, the Court issued Judgment [Doc. No. 21] which conditionally granted Petitioner Cassandra P. Newton's Petition for Writ of *Habeas Corpus* under 28 U.S.C. § 2254. Newton's sentence was vacated and set aside, and the State of Louisiana was ordered to release her from custody unless she was re-sentenced in conformity with the Fifth Circuit's opinion within 120 days from the date this Court's Judgment was signed.

On July 12, 2011, Assistant District Attorney Madeleine Slaughter-Young filed a Status Report [Doc. No. 23] which referred to attached minutes from Newton's June 30, 2011 re-sentencing hearing in the Fourth Judicial District Court, Parish of Ouachita, State of Louisiana, before the Hon. Carl Van Sharp. According to both the minutes and Ms. Slaughter-Young's Status Report, Newton was re-sentenced on a second degree murder conviction to serve ten (10) years at hard labor without benefit of parole, probation, or suspension.

Although Newton was originally charged with second degree murder, she was acquitted her of that charge and a charge of arson with intent to defraud. Newton was convicted on a charge of obstruction of justice, and, according to the Fifth Circuit's Opinion, she could receive a

maximum of five (5) years imprisonment based on that conviction.

On July 19, 2011, the Court issued a Minute Entry [24] explaining that its June 2, 2011 Judgment remains in place and that Newton shall be released from custody within 120 days of that date unless the problems with her re-sentencing are corrected.

On July 25, 2011, Ms. Slaughter-Young filed a Second Status Report [Doc. No. 25] which referred to corrected minutes from Newton's June 30, 2011 re-sentencing hearing. The State has now clarified that Newton was re-sentenced on the basis of her Obstruction of Justice conviction and that she received a sentence of ten (10) years only after the Court conducted a habitual offender hearing and found her to be a third habitual offender.

The Court's June 2, 2011 Judgment [Doc. No. 21] granted Newton all relief to which she was entitled, and no further proceedings in this matter were necessary after that date. Given the information provided in the Second Status Report, Newton has now received a new sentence, and any challenge she may have is now a matter for the State appellate process. Accordingly,

IT IS ORDERED that the Clerk of Court close this matter, effective June 2, 2011.

MONROE, LOUISIANA, this 29 day of July, 2011.

  
ROBERT G. JAMES  
UNITED STATES DISTRICT JUDGE